

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES BUSTER BOWEN,

Defendant.

Case No. 3:19-cr-00037-SLG

**ORDER RE FINAL REPORT AND RECOMMENDATION TO GRANT  
DEFENDANT'S MOTION TO SUPPRESS (DOC. 16)**

Before the Court at Docket 16 is Defendant James Buster Bowen's Motion to Suppress. The government filed a response in opposition at Docket 28.

The motion was referred to the Honorable Magistrate Judge Deborah M. Smith. On May 8, 2019, Judge Smith held a hearing on the motion.<sup>1</sup> Judge Smith issued her Initial Report and Recommendation at Docket 37. The United States filed objections at Docket 46. At Docket 52, Judge Smith issued her Final Report and Recommendation, in which she recommended that the motion be granted.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."<sup>2</sup> The statute

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<sup>1</sup> Docket 31 (Minute Entry).

<sup>2</sup> 28 U.S.C. § 636(b)(1).

provides that the district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” As to those topics on which no objections are filed, “[n]either the Constitution nor [28 U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>3</sup>

The Court has considered, on de novo review, the motion and the objections to the initial report filed by the United States, and adopts and accepts the Magistrate Judge’s analysis in its entirety as set forth in the Final Report and Recommendation. In light of the foregoing, Mr. Bowen’s Motion to Suppress at Docket 16 is GRANTED.

DATED this 16th day of August, 2019 at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”).